IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Crl.Rev.Pet.No. 683 of 2007()

CRA.562/2005 of ADDL. DISTRICT & SESSIONS JUDGE, FAST TRACK (ADHOC I), KOZHIKODE
ST.1108/2003 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE

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REVN. PETITIONER: APPELLANT/ACCUSED:

K.T. HASSAN KOYA, S/O.K. MOOSAKUTTY HAJI,
MALABAR GAS AGENCIES, 5/3434 J, MAJESTIC CENTRE BUILDING, BYE PASS ROAD, CALICUT, KOZHIKODE.

BY ADV. SRI.PHILIP ANTONY CHACKO
SRI.M.R.MOUNEESH

RESPONDENTS: RESPONDENTS/COMPLAINANT:

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1. MRS. MADHU GUPTA,
W/O. SURENDRA MOHAN GUPTA, 8/277, "DEEPSHIKA",
SILK STREET, NAGARAM AMSOM, DESOM, KOZHIKODE.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,KOZHIKODE.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 683 OF 2007

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Dated this the 14th day of February 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo simple imprisonment for three months and to pay a compensation of Rs.11,000/- to the complainant and in default to undergo simple imprisonment for one month. The counsel for the revision petitioner has sought only for modification of the sentence. It is submitted that the revision petitioner is a heart patient. He has also produced treatment records vide Annexure C and D.

2. In the circumstances, sentence is modified in the following terms that the accused/revision petitioner is sentenced to pay a fine of Rs.11,000/- and in default to undergo simple imprisonment for one month. The fine amount if realised will be paid to the complainant. The revision petitioner shall remit the fine amount within one month from today onwards.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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